

ARGUMENTS/REMARKS:

Reconsideration of the above-identified application is respectfully requested.

Initially, Applicant acknowledges with appreciation the telephonic interview of March 24, 2006 with Examiner Castellano, regarding the restriction requirement pertaining to claims 1-38.

In the interview, it was pointed out that the restriction requirement was imposed as the kit comprises two distinct major components (e.g. a topple resistant receptacle, and a paint can slot shield), each of which comprise differing sub-elements, and each of which support independent component claims apart from the kit. Applicant's Counsel suggested that in view of the restriction requirement, it would be appropriate to select claims 1-31 + 32 for examination and expedite same by amending independent claim 1 to delete reference to the slot shield as a specified component, and by amending claim 14 to introduce the slot shield. Such amendment would not only expedite prosecution of claims 1-32, but would also enable the maintaining of logical limitations to the search and examination.

The Examiner indicated that such amendment appeared appropriate and in accord with the restriction requirement, Applicant has amended generic claim 1 to exclude reference to the paint can slot shield, and **Applicant selects examination of claims 1-31 + 32 as amended.** It is submitted that the amendments to claims 1 and 14 removes the predicate upon which the restriction was based and advances the prosecution of claims 1-31 + 32 in this application.

Further in the interview, it was also pointed out that an election of species requirement imposed through FIGS 1 and 4, set out as differing species of topple resistant receptacle component a first species wherein the paint can securing means is round; and

a second species wherein the paint can securing means is polygonal.

For purposes of advancing prosecution, Applicant selects the species depicted in FIG 1.

In view of the foregoing it is submitted that the kit as presented in claims 1-31 + the topple resistant receptacle of claim 32 are in condition for examination.

Respectfully submitted,

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APPENDIX I

1. (Amended) A painter's portable tool kit comprising a topple resistant receptacle having a generally flat bottom surface and an inner surface comprising a paint can securing means surrounded by a spill retainer wall.
2. (Original) A kit of claim 1 wherein said receptacle comprises a shallow pan shaped container having a generally flat bottom surface, said retainer wall extending upwardly from about the perimeter thereof and forming a liquid holding well therewith.
3. (Original) A kit of claim 2 wherein said retainer wall is a double-walled arrangement comprising spaced inner and outer walls connected about along top margins thereof.
4. (Original) A kit of claim 3 wherein a bottom edge of said outer wall faces downwardly and extends slightly below the plane of said flat bottom surface of said receptacle.
5. (Original) A kit of claim 2 wherein said receptacle comprises a generally flat inner surface and said paint can securing means comprises a raised shoulder arranged on said inner surface of said receptacle, said raised shoulder being sized, dimensioned and configured to engage a protruding ridge of a paint container.

6.(Original) A kit of claim 5 wherein said raised shoulder comprises a rib configured to resist withdrawal of said protruding ridge from engagement with said raised shoulder.

7.(Original) A kit of claim 5 wherein at least one of said raised shoulder, rib and protruding ridge is resilient.

8.(Original) A kit of claim 5 wherein said raised shoulder is arranged to engage a protruding ridge along an edge connecting a base and side of a metal paint container.

9.(Original) A kit of claim 8 wherein a protruding ridge of a metal paint container is generally circular and said raised shoulder of said securing means is generally circular.

10.(Original) A kit of claim 5 wherein a said raised shoulder is generally rectilinear.

11.(Original) A kit of claim 2 wherein said receptacle is oblong, having a rectilinear shape at one end and a curved shape at the opposite end.

12.(Original) A kit of claim 3 wherein said receptacle comprises at least one guide member extending from means connecting said top margins of said spaced inner and outer walls.

13. (Original) A kit of claim 2 wherein the surface area of the bottom surface of said receptacle is at least twice the surface area of the bottom surface of a cylindrical gallon metal paint can.

14. (Amended) A kit of claim 1 further comprising a paint can slot shield, said slot shield comprising a disk having a top side, bottom side, central opening and exterior perimeter.

15. (Original) A kit of claim 14 wherein said disk comprises a brush bristle wiping means.

16. (Original) A kit of claim 15 wherein said brush bristle wiping means comprises a generally straight wiping edge.

17. (Original) A kit of claim 16 wherein comprising a further wiping edge extending angularly from said generally straight wiping edge.

18. (Original) A kit of claim 15 wherein said central opening of said disk is generally circular and said brush bristle wiping means comprises a wiping bar having a wiping edge arranged between spaced points along the perimeter of the generally circular central opening.

19. (Original) A kit of claim 14 wherein said central opening of said disk is generally circular and generally concentric with said exterior perimeter of said disk, and said bottom side of said disk comprises spaced, generally concentric, first and second raised shoulders arranged respectively along about the perimeter of said central opening and said exterior perimeter of said disk.

20. (Original) A kit of claim 19 comprising a gripping tab extending from about said exterior perimeter of said disk.

21. (Original) A kit of claim 19 wherein an inside surface of said first raised shoulder of said disk comprises a ridge arranged to engage an inside surface of a generally circular opening to a paint can.

22. (Original) A kit of claim 18 wherein said disk further comprises a wiping shield.

23. (Original) A kit of claim 22 wherein said wiping shield comprises a raised shoulder arranged on said top side of said disk along about said perimeter of the central opening, adjacent to said wiping bar.

24. (Original) A kit of claim 14 wherein said disk comprises a brush securing means.

25. (Original) A kit of claim 24 wherein said brush securing means comprises a resilient gripping means arranged to secure a brush against a backing surface.

26. (Original) A kit of claim 25 wherein said resilient gripping means comprises an elongate resilient member extending into said central opening of said disk, arranged to forcibly engage a painter's brush between the resilient member and a backing surface arranged at the perimeter of said central opening.

27. (Original) A kit of claim 1 comprising an adapter plate.

28. (Original) A kit of claim 27 wherein said adapter plate comprises a plate having a circular raised shoulder on a first side and a rectilinear raised shoulder on the opposite side, one of said shoulders being configured to engage said paint can securing means, the other being configured to secure a paint can thereto.

29. (Original) A kit of claim 1 comprising a ladder hook.

30. (Original) A kit of claim 29 wherein said ladder hook comprises a generally "U" shaped first end configured to removably mount to a rung of a ladder and two or more spaced opposite ends arranged to connect at spaced positions to an end of said receptacle.

31. (Original) A kit of claim 30 wherein said ladder hook is formed from a single wire rod, folded over at about its center to form two closely spaced generally parallel rods connected at a first end and shaped to form a generally "U" shape suitable to loop over a ladder rung; said rods being thereafter separated to form spaced opposite ends, arranged to securely engage opposite sides of said receptacle.

32. (Amended) A topple resistant receptacle comprising:

a shallow pan shaped container having a generally flat bottom surface and a generally flat inner surface;

a retainer wall extending upwardly from about the perimeter said bottom surface and forming a liquid holding well therewith;

said retainer wall being a double-walled arrangement comprising spaced inner and outer walls connected along top margins thereof;

wherein said inner surface comprises a raised shoulder thereon, said raised shoulder being sized, dimensioned and configured to engage and forcible mount a bottom end of a paint container thereto.

33. (Original) A slot shield comprising:

a disk having a top side, bottom side, central opening and exterior perimeter;

a wiping bar having a wiping edge arranged between spaced points along the perimeter of said central opening;

spaced, first and second concentric raised shoulders arranged on said bottom side of said disk, respectively proximate the perimeter of said central opening and said exterior perimeter;

wherein a side surface of said first raised shoulder of said disk comprises a ridge arranged to engage an inside surface of a generally circular opening to a paint can.

34. (Original) A slot shield of claim 33 comprising a gripping tab extending from about said exterior perimeter of said disk.

35. (Original) A slot shield of claim 33 comprising a generally straight wiping edge.

36. (Original) A slot shield of claim 35 comprising a further wiping edge extending angularly from said generally straight wiping edge.

37. (Original) A slot shield of claim 33 wherein said disk further comprises a wiping shield comprising a raised shoulder arranged on said top side of said disk along about said perimeter of the central opening, adjacent to said wiping bar.

38. (Original) A slot shield of claim 33 comprising an elongate resilient member extending into said central opening of said disk, said resilient member arranged to forcibly secure a painter's brush between said resilient member and a backing surface arranged at the perimeter of said central opening.